

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to ignition interlock devices
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 615, “Sanctions,” and Chapter 620, “OWI and Implied Consent,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.218 as amended by 2021 Iowa Acts, House File 757, section 1, and chapter 321J as amended by 2021 Iowa Acts, House 757, sections 2 to 7.

Purpose and Summary

This proposed rule making updates Chapters 615 and 620 to comply with 2021 Iowa Acts, House File 757, sections 1 to 7.

House File 757 authorizes a person with no previous operating while intoxicated (OWI) conviction or revocation to install an ignition interlock device (IID) only on the vehicle(s) the person intends to operate while driving on a temporary restricted license (TRL) rather than on every vehicle the person owns or operates. Prior to this legislative change, any person serving a driver’s license sanction for an OWI offense was required to install an IID on every vehicle the person owned or operated as a condition of obtaining a TRL, even if it was the person’s first OWI offense. The law continues to require a person serving a second or subsequent OWI offense to install an IID on every vehicle the person owns or operates as a condition of obtaining a TRL. The legislation also eliminated the prohibition against issuing a TRL to a person serving a driver’s license sanction for driving while the license was revoked or suspended under Iowa Code sections 321.218 and 321J.21.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by 2021 Iowa Acts, House File 757.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 31, 2021. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 2, 2021, at 9 a.m. via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 31, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve paragraph **615.45(1)“e.”**

ITEM 2. Amend rule **761—615.45(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 321A and sections 252J.8, 321.177, 321.178, 321.184, 321.185, 321.186, 321.189, 321.191, 321.193, 321.194, 321.201, 321.205, 321.209, 321.210, 321.210A, 321.212, 321.213A, 321.213B, 321.215, 321.218 as amended by 2021 Iowa Acts, House File 757, section 1, 321.513, 321.560 and 321J.17.

ITEM 3. Amend rule 761—620.2(321J) as follows:

761—620.2(321J) Information and location. Applications, forms, information, assistance, and answers to questions relating to this chapter are available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; or by facsimile at (515)239-1837.

ITEM 4. Strike “driver and identification services bureau” wherever it appears in rules **761—620.3(321J)** and **761—620.4(321J)** and insert “motor vehicle division” in lieu thereof.

ITEM 5. Amend subrule 620.3(2) as follows:

620.3(2) Additional requirements. A person applying for a temporary restricted license shall also comply with all of the following requirements:

a. Provide a description of all motor vehicles ~~owned or~~ operated under the temporary restricted license if the person has no previous operating while intoxicated conviction or revocation. If the person has a second or subsequent operating while intoxicated conviction or revocation, the person shall provide a description of all motor vehicles owned by such person or operated under the temporary restricted license.

- b.* No change.
- c.* Provide certification of installation of an approved ignition interlock device on every motor vehicle ~~owned or~~ operated if the person has no previous operating while intoxicated conviction or revocation. If the person has a second or subsequent operating while intoxicated conviction or revocation, the person shall provide certification of installation of an approved ignition interlock device on every motor vehicle owned by such person or operated under the temporary restricted license.
- d.* No change.

ITEM 6. Amend **761—Chapter 620**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapters~~ chapter 17A and; chapter 321J as amended by 2021 Iowa Acts, House File 757, sections 2 to 7; and sections 321.193, 321.201, 321.376 and 707.6A.